IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1090 (S/S) of 2006

Ashok Kumar,
S /o late Sri Ramu,
R /o Aam Paraow, Balmiki Basti,
Kotdwara,
Tehsil – Kotdwara,
District- Pauri Garhwal. **…….Petitioner**

Versus

1. State of Uttaranchal through its Registrar, Cooperative Societies, Dehradun.
2. The Chairman, Management Committee, District Cooperative Bank Ltd., Garhwal Kotdwara, District – Pauri Garhwal.
3. Secretary / General Manager, District Cooperative Bank Ltd;, Garhwal Kotdwara, District –Pauri Garhwal.

……..Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri G.S. Negi, learned counsel for the petitioner and Sri Paresh Tripathi. Learned counsel for State of Uttaranchal on behalf of respondent no. 1.

By means of this writ petition, the petitioner has prayed for the following reliefs:

(a) *Issue a writ, order or direction in the nature of Certiorari quashing impugned transfer order dated 26.07.2006. Passed by respondent no. 3 i.e. Secretary / General Manager, District Cooperative Bank Ltd., Garhwal Kotdwara, (Annexure No. 4. to this writ petition).*

(b) *Issue a writ, order or direction in the nature of Mandamus directing the respondent no. 3.to* allow the

petitioner to work on his original post of Sweeper (Safai Nayak) at Main Branch of Bank, Kotdwara.

(c) *Issue a writ, order or direction, which this Hon'ble Court may deem fit and proper.*

(d) The cost of the petition may be awarded to the petitioner.

Petitioner is aggrieved by the order dated 26.07.2006 passed by respondent no. 3 transferring the petitioner from Main Branch, Kotdwara to Rikhnikhal.

The submission of the petitioner is that petitioner was appointed vide order dated 31.05.1982 as Safai Nayak and was regularized as Safai Nayak vide order dated 22.08.1986. There is no post of Safai Nayak at Rikhnikhal and in fact, petitioner has been transferred on the post of peon.

From the perusal of transfer order it is clear that petitioner was working as Safari Nayak and has been transferred from Main Branch, Kotdwara to Rikhnikhal. Transfer order does not say that the petitioner is being transferred on the post of Peon,.

Aggrieved with the impugned transfer order, petitioner has already moved representation dated 27.07.2006., which is Annexure No. 5 to the writ petition, before respondent no. 3.

During the course of argument learned counsel for the petitioner has pared that respondent no. 3. may be directed to decide the aforesaid representation of the petitioner as early as possible.

With out going into the merit to the case, I deem it fit and proper to direct respondent no. 3. i.e. Secretary /General

Manager, District Cooperative Bank Ltd., Garhwal Kotdwara, District - Pauri Garhwal to decide the representation of the petitioner dated 27.07.2006 within a period of three weeks from the date of production of certified copy this order. Petitioner is also directed to supply the certified copy of this order to respondent no. 3 within a period of ten days.

With this direction the writ petition is finally disposed of . No order as to costs.

(M.M. Ghildiyal, J)

August 10, 2006
SKSharma